



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,871	07/03/2003	Minehiro Konya	0033 - 0892P	4164

2292 7590 07/12/2005

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

HAJNIK, DANIEL F

ART UNIT	PAPER NUMBER
----------	--------------

2671

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/611,871	Applicant(s) KONYA ET AL.	
	Examiner Daniel F. Hajnik	Art Unit 2671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/3/2003. 12/10/03, 4/6/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shirakura et al. (US Patent 6464358 herein referred to as "Shirakura") in view of Waibel (US Pub 2003/0164819 herein referred to as "Waibel").

As per claims 1 and 4, Shirakura teaches the claimed "three dimensional image creation portion providing said image with parallax information to create a three dimensional image" and the claimed "display unit" by showing a 3D image displayed in figure 7 where labeled part 9 is a hologram (three dimensional image) and the display unit is the located within part 3 where the hologram is projected and further the display unit also includes part 20 which is light source used for producing the hologram. In addition, Shirakura states "Therefore, when this holographic stereogram is visually observed by an operator ... the operator feels parallax so a three-dimensional image is reproduced" (col 1, lines 30-35).

Shirakura does not teach the claimed "pickup device picking up an image of a subject". Waibel teaches this limitation in figure 9, part 903, where the reference states "Cell-phone 900 has been provided with a camera (not shown) on the back side 903 of the phone" (paragraph [0041]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Shirakura and Waibel. Shirakura suggests the combination by stating "if a hologram 9 in which the portrait of a person on the opposite side on the telephone is recorded is attached to the hologram attach section 10, conversation can be made while imaging the person on the telephone" (col 10, lines 29-33) where the act of recording a person on the telephone would suggest the use of a camera within the phone itself for the invention of Shirakura. In addition, Waibel would benefit from the combination by utilizing the holographic display of Shirakura with the added benefit of a 3D presentation of the camera images, which are more interesting to the user of the phone than flat 2D images.

As per claims 2 and 5, Shirakura does not teach the claimed limitations. Waibel teaches these by showing in figure 9 a cell phone utilizing a camera with a 2-dimensional screen. Since the 2D screen is used to display captured images from the camera in the invention of Waibel, it would have been obvious to one of ordinary skill in the art to capture 2D images from the camera as well.

As per claims 3 and 6, Shirakura teaches these limitations in figure 7, where the communication control portion is shown as the buttons for dialing on the cell-phone and figure 7 shows the transmission and reception portion with the phone's antenna and voice input microphone (as seen below the buttons).

3. Claims 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shirakura et al. (US Patent 6464358 herein referred to as "Shirakura") in view of Waibel (US Pub 2003/0164819 herein referred to as "Waibel") in further view of Aoki et al. (US Pub 2002/0054032 herein referred to as "Aoki").

As per claim 7, Shirakura does not teach these claim limitations. Aoki teaches these limitations in figure 19, where the user specified box surrounds a human face and Aoki also shows these faces images used on a cell phone screen in figure 3.

The invention of Aoki can be combined with the combinable system of Shirakura and Waibel by replacing the photo as shown in figure 19 of Aoki with a photo taken by the camera taught by Waibel (figure 9, part 903 and paragraph [0041]) and applying the user selected face function of Aoki in figure 19 on the photo taken by the camera. Further, the cutout face figure of Aoki can be projected by the system of Shirakura using the hologram shown in figure 7 of Shirakura.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Aoki with the combinable system of Shirakura and Waibel. Waibel suggests the combination by also teaching of a user image selection capability from a captured image in figure 5 steps 503 and 504. Aoki would gain the advantage of the added capability to compare user-selected objects with matching objects from a database as taught by the system of Waibel, which shows this capability in figure 5, step 506. In addition, Shirakura suggests the combination by stating "if a hologram 9 in which the portrait of a person on the opposite side on the telephone is recorded" (col 10, lines 29-33) and where Aoki shows a similar function using 2D images in figure 1 where

Art Unit: 2671

the cell-phone users can view face figures of their respective callers on the phone display.

As per claims 8 and 9, the limitations of this claim closely follow those of claims 5 and 6, respectively, and therefore are subject to the same rationale and reasons for rejection.

As per claim 10, Shirakura teaches this limitation in figure 7 where if in the shown hologram (piece 9) the image of the girl was the selected subject and the background (white area around the girl but still within the hologram boundaries) would be a part of the image other than the subject. This non-subject image part can have a different depth, which creates a parallax effect based upon the basic drawing of the hologram in figure 7.

As per claims 11 and 12, the limitations of this claim closely follow those of claims 5 and 6, respectively, and therefore are subject to the same rationale and reasons for rejection.

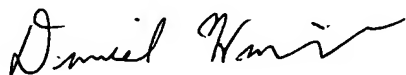
As per claim 13, the rationale and reasons for rejection of claims 1, 4 and 7 are incorporated herein. Shirakura does not teach the claimed step of "cutting a human face image out of said two dimensional image to obtain a face image". Aoki shows this limitation in figure 19.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel F. Hajnik whose telephone number is (571) 272-7642. The examiner can normally be reached on Mon-Fri (8:30A-5:00P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka J. Chauhan can be reached on (571) 272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DFH 7/8/2005


7/8/05
RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600